
BZA-1928
FAMILY EXPRESS CORPORATION
Variances

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner Northwestern LLC and represented by attorney Daniel Teder is requesting the following variances related to signage for a proposed store and gas station:

1. To permit 211.64 sq. ft. of total signage instead of the maximum permitted 124 sq. ft. (UZO 4-8-5);
2. To permit a maximum freestanding sign area of 83 sq. ft. instead of the maximum permitted 40 sq. ft. in the NB zone (UZO 4-8-6); and
3. To permit a 0' setback from the right-of-way of Northwestern Avenue for a proposed 9' high monument sign instead of the required 9' (sign setback is equal to sign height) (UZO 4-8-6).

The development is located at 1107 Lindberg Road, where Lindberg and Northwestern intersect on proposed Lot 1 of the Northwestern Family Express Subdivision (S-4495). The site is located in West Lafayette, Wabash 18(NW)23-4.

AREA ZONING PATTERNS:

The site is zoned Neighborhood Business (NB) as is property to the south across Elm Drive and west across Northwestern Avenue. GB (General Business) and R1 (Single-Family Residential) zoning is found to the north, across Lindberg Road while R1 zoning is found immediately east of the site. The commercial zoning pattern at the intersection of Lindberg Road and Northwestern Avenue has been in place for many years. The most recent rezone activity in the vicinity took place just north of the intersection for the Faith West Planned Development (Z-2485) in 2012. In September of 2005, the owners of the Shell gas station directly across Lindberg Road from the subject property (now GoLo) requested four signage variances from the ABZA: an increase in total signage, an increase in freestanding sign area, a reduction in freestanding sign setback and an increase in freestanding sign height (BZA-1696). The first two requests were denied, the latter were withdrawn.

AREA LAND USE PATTERNS:

The intersection of Northwestern Avenue and Lindberg Road has, for decades, been a modest commercial node for the City of West Lafayette. Presently on the northeast corner of the intersection are a GoLo gas station and the Faith West Community Center while on the northwest corner is the Birck Boilermaker Golf Course. A Village Bottle

Shop is immediately adjacent to the subject property on the southeast corner and a dentist office is located on the southwest corner. The subject property itself was the location of a Smitty's grocery store but is now cleared of development with the exception of an existing freestanding sign connected with the now demolished Smitty's.

TRAFFIC AND TRANSPORTATION:

The site has frontage on Northwestern Avenue, Lindberg Road and Elm Drive. Northwestern Avenue, according to the *Thoroughfare Plan* is classified as a primary arterial while Lindberg Road is a secondary arterial. Elm Drive is a local road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sewer and Indiana-American Water serve the site. The zoning ordinance requires a Type C bufferyard along the site's eastern boundary where it abuts R1 zoning, measuring 20' in width with 4 standard plant units per 150' of linear length.

STAFF COMMENTS:

The existing freestanding sign, which currently does not conform to the UZO, cannot be utilized for signage purposes due to the abandonment and demolition of the Smitty's building. According to UZO Section 5-1-8-b-3:

"...If the primary use has been abandoned for more than 1 year, any subsequent signage on that sign-lot shall conform to the requirements of this ordinance."

As for the variance requests, they seek an increase in signage size allowances and relief from monument sign setback requirements for a proposed Family Express store and gas station. They include:

1. An approximate 40% increase in the total permitted square footage of signage including:
 - a. 83 sq-ft monument sign
 - b. 20.65 sq-ft store logo wall sign
 - c. 16.28 sq-ft Family Express Perks wall sign
 - d. 16 sq-ft promotional banner wall sign
 - e. 16.28 sq-ft milk box wall sign
 - f. Two 20.65 sq-ft gas station canopy signs
 - g. Six 3.02 sq-ft gas pump topper advertising signs
2. A doubling of the permitted area for a freestanding (monument) sign.
3. A zero-foot right-of-way setback for a nine-foot high monument sign where a nine-foot setback is required.

This significant proposed increase in the total area of signage for a gas station has no equivalent in West Lafayette. A sampling of four urban West Lafayette gas stations in the vicinity reveals:

- The BP site at Sagamore Parkway & Yeager has a 33.33 sq-ft monument sign, a 40 sq-ft pole sign and 8 sq-ft of fascia sign, totaling 81.33 sq-ft of overall signage.
- The Speedway gas stations on State Street and on Sagamore Parkway both have 50 sq-ft or less in monument signage in addition to their fascia signage, neither of which combines for a total of over 125 sq-ft.
- The GoLo (formerly Shell) gas station immediately north of petitioner's property is operating within the bounds of the ordinance with respect to signage after its failed attempt in 2005 to secure variances. Those bounds include a maximum permitted 112 sq-ft of total signage with freestanding signage only allowed up to 60 sq-ft in area.

In addition to the proposed increase in overall signage and a larger freestanding sign, petitioner is also seeking to reduce the required freestanding sign setback. With site visibility from three public streets and no natural obstructions obscuring the view through the site, the need for this variance request makes no sense. A larger sign too close to the roadway will only serve to overwhelm the view of a passing motorist, potentially creating a traffic hazard in this stretch of Northwestern Avenue. With other similarly-sized gas stations in the city in compliance with ordinance requirements, staff believes that the ordinance imposed signage allowances and setbacks are more than adequate for this highly visible location at the intersection of Lindberg Road and Northwestern Avenue.

Regarding the ballot items for all variances:

1. On January 21, 2015, the Area Plan Commission determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting the variance requests **WILL** be injurious to the public health, safety and general welfare of the community. Increased signage, when it overwhelms the view of the traveling public, causes public safety issues.
3. Use and value of the area adjacent to the property included in these variance requests **WILL** be affected in a substantially adverse manner. The variances would allow more overall signage in addition to a larger-than-permitted freestanding sign placed significantly closer to the road than other similar businesses in the area. These variances would create an unequal competitive advantage for this site as compared to others.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual about the size, shape or topography of this site and there are no physical characteristics that would significantly reduce the visibility of the signage to motorists.

5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Petitioner could easily have signage that complies with the terms of the zoning ordinance. Additionally, the site is located near a busy corner with plenty of street frontage and excellent visibility; most of petitioner's business would come from repeat customers, not from the amount of signage on the site.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. The overall amount of signage permitted by ordinance is appropriate for this area and signage could be constructed that conforms to the standards of the ordinance without compromising the intent of the signs or volume of petitioner's business.

5b. The variances sought **DO NOT** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief because there is no hardship.

STAFF RECOMMENDATION:

Variance request #1 – Denial

Variance request #2 – Denial

Variance request #3 – Denial

NOTES:

1. Whether or not the variance are granted, the Northwestern Family Express Subdivision (S-4495) must be completed and recorded before improvement location permits can be issued.
2. Per UZO Section 4-8-8: “...*signs shall only be animated and/or illuminated during hours when the primary use of the sign-lot is open to the public.*”